

607900

1.09.5 Every person discharging industrial waste mixture into the public sewer system or into sewers connected thereto shall keep and maintain records of the data required to be furnished in the questionnaire as defined above and in the Industrial Waste Ordinance, and such records shall be available for inspection during regular business hours by authorized employees or representatives of the Township or the Authority upon their presentation of written credentials of their authority, and such employees or representatives shall be permitted to make and retain copies of such records.

1.09.6 Discharge or introduction of non-domestic pollutants from any source into the public sewer system shall be in accordance with the Industrial Waste Ordinance.

1.10. Preliminary Treatment Facilities

Where preliminary treatment facilities are provided for any waters or wastes, such preliminary facilities shall be maintained continuously in satisfactory and effective operation by the owner at the owner's sole expense.

1.11. Ownership of and Responsibility for Sewer Systems

1.11.1 The Authority and/or the Township shall be responsible for inspections, repairs to, maintenance of and reconstruction of the public sanitary sewer mains.

1.11.2 The owner of a property abutting the public sanitary sewer main and the right-of-way or easement in which the main is located shall be responsible for inspections, repairs to, maintenance of and reconstruction of the building or private sewer and all appurtenances of the building or private sewer system.

1.11.3 In its sole discretion and when it is determined that the same is necessary or appropriate, the Township and/or the Authority shall replace existing service connections attaching to the public sewer main.

1.12. Authority to Test and Supplement Regulations

1.12.1 The Township or the Authority may conduct such investigations and tests as are necessary to enforce this Ordinance, and employees of the Township or Authority, or their agents, may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Inspections are authorized for any purpose related to proper enforcement and administration of this Ordinance, including but not limited to ensuring proper connections and identifying and disconnecting unauthorized or unlawful connections. Policies and procedures pertaining to investigations, tests and surveys shall be as established in rules and regulations governing the sewer system.

1.12.2 Enforcement of provisions of this Ordinance regarding wastes which will interfere with operation of the Erie waste water treatment plant shall be by the Township or its designated agents, which shall include the Authority.

1.12.3 Limitations on wastewater strength in this Ordinance may be supplemented with more stringent limitations if:

1. The Township determines that those limitations may not be sufficient to protect the operation of the treatment works; or
2. The Township determines that the limitations are not sufficient to enable the treatment works to comply with water quality standards or effluent limitations specified in permits of the National Pollutant Discharge Elimination System (NPDES) or the Pennsylvania Department of Environmental Protection.

1.13 Administration and Enforcement Authority

1.13.1 The Authority and the Board of Supervisors are authorized to establish rules and regulations governing the sanitary sewer system and to adopt regulations and forms for use in implementing and administering this Ordinance. Such rules, regulations and forms shall be as approved by the Board of Supervisors and may be amended from time to time as is deemed appropriate.

1.13.2 The Board of Supervisors and Authority are authorized to establish and amend fees and other charges for permits, licenses, tapping privileges, reviews, inspections, certifications and other matters subject to this Ordinance and amounts of bonds required by this Ordinance and/or related to proper operation of the sewer system.

1.13.3 Permits, licenses and certifications authorized in this Ordinance shall be received, reviewed, issued, suspended or revoked by the Manager of the Authority or his or her designee.

1.13.4 The Township Engineer, Manager of the Authority and other employees or agents authorized by the Township or Authority, bearing proper credentials and identification, shall be permitted to enter upon all properties in Millcreek Township for the purpose of inspection, observation, measurement, sampling, testing and/or review, inspection and copying of records, in accordance with the provisions of this Ordinance and rules and regulations governing the sewer system.

1.13.5 The Manager of the Authority and the Township Engineer are vested with authority to issue enforcement notices and commence actions for enforcement of this Ordinance.

607900

1.13.6 Upon written request by the property owner, prospective purchaser or agent or contractor of either, the Authority shall have authority to inspect a property for the purpose of determining whether its connection(s) to the sanitary sewer system is or are in accordance with this Ordinance and rules and regulations governing the sewer system. Such request shall be accompanied by a written authorization by the property owner allowing the Township or Authority to inspect the property for the purpose of addressing such request. Fees for such requests and certifications, and forms to be used therefor shall be as established by rules and regulations governing the sewer system.

1.14. Unlawful Acts. It shall be unlawful and a violation of this Ordinance for any person, directly or indirectly, to do or cause or allow to be done any of the following:

1.14.1 The placement or deposit of sewage, municipal waste or other objectionable wastes upon any public or private property within Millcreek Township or in any area under the jurisdiction of Millcreek Township.

1.14.2 The discharge of sewage into any natural outlet within Millcreek Township.

1.14.3 The discharge of industrial wastes or other polluted water into any natural outlet within Millcreek Township, unless the person doing so is operating with the prior approval of or under a permit issued by the U.S. Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.

1.14.4 The construction or maintenance of any privy, privy vault or cesspool, other than an on-lot sewage system approved by the Township and constructed in accordance with current regulations of the Erie County Department of Health and/or the Pennsylvania Department of Environmental Protection.

1.14.5 The discharge of any storm water, surface drainage, ground drainage, roof runoff, subsurface drainage or unpolluted industrial process waters into any public sanitary sewer:

1. Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, if available, or to a natural outlet approved by the Board of Supervisors.

2. Unpolluted process waters shall be discharged into a storm sewer approved by the Board of Supervisors or, with prior approval of the Township, into a natural outlet if such storm sewer or outlet is not available.

1.14.6 Discharge of any of the following described waters or wastes into any public sanitary sewer:

1. Any liquid or vapor having a temperature higher than 150° Fahrenheit; or

2. Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas; or
3. Any garbage that has not been properly shredded; or
4. Any ashes, sand, cinders, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance not meeting the definition of properly shredded garbage and/or which is capable of obstruction to the flow in sewers or other interference with the proper operation of the sewage works; or
5. Any waters or wastes having a ph lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structure, equipment processes and/or personnel of the sewage works or the sewage treatment plant; or
6. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant; or
7. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; or
8. Any noxious or malodorous gas or substance capable of creating a public nuisance; or
9. Water or wastes containing substances which are not in conformance with the provisions and pollutant limitations of the Millcreek Township Industrial Waste Ordinance, Ordinance No. 94-7 as amended.

1.14.7 Construction or effectuation by any owner(s), themselves or by or through their contractors, agents or assigns, of a connection, alteration to or termination of a connection to the sanitary sewer system in a manner contrary to or not in strict compliance with the terms of an approved permit.

1.14.8 Construction or effectuation by any owner(s), themselves or by or through their contractors, agents or assigns, of a connection, alteration to or termination of a connection to the sanitary sewer system in any manner contrary to or not in strict compliance with the regulations of this Ordinance or rules and regulations governing the sewer system.

1.14.9 Performance of any work involving connections to the Millcreek Township sewer system by a person not licensed by the Township to perform such work.

App. 454

607900

- 1.14.10 Failure or refusal to connect to the public sewer system within the time authorized by an issued permit or any extension of time allowed after good cause shown.
- 1.14.11 Failure or refusal to connect to the public sewer system prior to commencement of occupancy of a building constructed, altered or reconstructed under a building permit issued on or after the effective date of this Ordinance.
- 1.14.12 Failure or refusal to connect to the public sewer system within sixty (60) days after the date of the Township's notice to connect, or within any extension of time allowed after good cause shown.
- 1.14.13 Failure or refusal to effect repairs or take other prescribed remedial action to a connection effected to the sewer system within the time period specified in writing by a directive from the Township or the Authority.
- 1.14.14 Failure or refusal to disconnect an unlawful or improper connection to the sanitary sewer system within the time period specified in writing by a directive from the Township or the Authority.
- 1.14.15 The negligent, willful, malicious or reckless breaking, damage, destruction, uncovering, defacement or tampering of or with any structure, appurtenance or equipment which is a part of the public sanitary sewer system or sewage works.
- 1.14.16 Violation of any provision of this Ordinance concerning regulation of discharge of industrial wastes.
- 1.14.17 Failure or refusal to allow the Township or the Authority access to a premises or to records required under this Ordinance or by rules and regulations governing the sewer system.

1.15. Separate and Continuing Violations

- 1.15.1 Each separate violation of this Ordinance, or of any portion hereof, shall constitute a separate offense.
- 1.15.2 Each day a violation occurs shall constitute a separate offense and subject the violator to the prescribed fines for each violation and for each day of violation.

MSA-MT 5118

1.16. Penalties for Violation

1.16.1 Any person who violates any provision of this Ordinance or any rule or regulation governing the sewer system shall be subject to civil enforcement proceedings in accordance with Ordinance No. 96-8 as may have been amended.

1.16.2 In the event a person does not comply in timely fashion with an enforcement notice directing cessation of a violation or remedial action to comply with this Ordinance or with rules and regulations governing the sanitary sewer system, civil fines are prescribed in the sum of Six Hundred Dollars (\$600.00) for each individual violation of this Ordinance and for each day a violation continues, effective on the date following that established in the enforcement notice for completion of action to remedy the violation. As to prohibited discharges:

1. Each day of a prohibited discharge shall constitute a separate violation and shall subject the violator to the administrative or civil fine prescribed in this section for each day of a continuous prohibited discharge.
2. If a prohibited discharge is intermittent, each occurrence shall be considered a separate violation.

1.16.3 In the event a person does not comply in timely fashion with an enforcement notice by the date therein established for payment, Millcreek Township shall institute a civil action for enforcement and, upon conviction, the defendant shall pay fines for each separate violation and each day a violation occurs in the sum prescribed in Section 1.16.2.

1.16.4 Millcreek Township shall be entitled to recover, in any administrative or civil action for enforcement of this Ordinance and/or action to collect fines for violation, all expenses, losses and damage occasioned by the violation(s), together with filing and other litigation costs and all attorneys' fees incurred by the Township in enforcement and collection proceedings, in accordance with Ordinance No. 96-9, as amended.

1.16.5 In the event the owner or other responsible party for a premises served by the public sanitary sewer system fails or refuses to allow representatives of the Township and/or the Authority access to the property to conduct inspection after prior request, then the Authority and/or the Township shall be authorized to conduct the inspection from the public sewer mains, if possible. Additional costs for personnel and equipment arising from such inspection from the main shall be invoiced to the property owner and, if not paid within thirty (30) days after the invoice date, shall constitute additional sewer rental to be imposed against the property.

1.17. Enforcement Actions

1.17.1 When the Township determines that a violation of this Ordinance, rules and regulations governing the sewer system or of any permit or any damage to the public sanitary sewer system is threatened or has occurred, the Township may take one or more of the following actions, at its election:

1. Issue an order to cease and desist any such violation and direct the violator(s) to comply with the Ordinance and/or notice forthwith or in a time schedule established by the Township or to take appropriate remedial preventive action in the event of a threatened violation.
2. Require the person to submit a detailed time schedule setting forth the specific proposed actions to prevent or correct a violation, in which event the Township may issue an implementation schedule to the person containing or modifying such specific actions and time schedule or requiring other actions by such date as the Township deems appropriate.
3. Issue an administrative enforcement notice directing the person to cease or correct a violation by a date established in such notice.
4. Report to any governmental entity or agency having issued a permit a violation thereof and request enforcement by such entity or agency.
5. Revoke the financial security and/or revoke the license of any licensed contractor for up to one (1) year.
6. Prohibit an unlicensed contractor from performing work affecting the public sewer system or being eligible for a license for up to one (1) year.
7. Proceed on the financial security tendered by the recipient of a permit to connect in order to collect all damages sustained by a violation.
8. Disconnect from the public sewer system and/or sewage works the building or property of any person there violating the discharge provisions of this Ordinance, and/or effect a connection to the public sewer system and/or effect correction of an existing connection to the public sewer system if the owner fails to do the same within the time specified in an enforcement notice, all costs incurred in effecting such disconnection, connection and/or correction of a connection to be collected from the owner as a municipal claim (at the discretion of the Board of Supervisors, by assessment of said costs as sewer rental or as a separate municipal claim) or in a civil action in the manner provided in Section 1.06 and the general municipal law.

9. Issue enforcement notices citing violation of this Ordinance or of rules and regulations governing the sewer system.
10. Commence and prosecute actions for enforcement of this Ordinance and/or collection of fines, costs, damages and attorneys' fees.
11. Institute and maintain one or more actions at law to enforce this Ordinance and rules and regulations governing the sewer system and/or actions in equity to compel compliance with this Ordinance and/or rules and regulations, these including but not limited to injunctions and orders compelling connection to and/or disconnection from the sewer system.

1.17.2 In the event a person fails or refuses to effect disconnection of an unlawful connection to the sanitary sewer system by the date required in an enforcement notice and the Township has been assessed surcharges or fines by the City of Erie Sewer System because of sewage flows in excess of the Township's allocation, the Township, in addition to other enforcement remedies, shall be authorized to maintain an action at law against the owner of the property, seeking recovery of such surcharges and fines from the owner, together with attorneys' fees and expenses in accordance with Ordinance 96-9, as amended.

1.17.3 The Board of Supervisors is authorized by resolution to establish such specific procedures for enforcement as it shall deem appropriate.

1.18 Declaration of Nuisances; Action to Abate Nuisances

1.18.1 The following actions or omissions, defined above to be unlawful and a violation of this Ordinance, are declared to be public nuisances:

1. The placement or deposit of sewage, municipal waste or other objectionable wastes upon any public or private property within Millcreek Township or any area under the jurisdiction of Millcreek Township;
2. The discharge of any sewage into any natural outlet within the Township;
3. The discharge of industrial wastes or other polluted water into any natural outlet within Millcreek Township, unless the person doing so is operating with the prior approval of or under a permit issued by the U.S.E.P.A. or the PaDEP;
4. The construction or maintenance of any privy, privy vault or cesspool, other than an on-lot sewage system approved by the Township and constructed in accordance with current regulations of PaDEP and/or the Erie County Department of Health;

5. The discharge of any storm water, surface drainage, ground drainage, roof runoff, subsurface drainage or unpolluted industrial process waters into any public sanitary sewer;
6. Discharge of any of the waters described in Section 1.14.6 into the sanitary sewer system.

6
07/00

1.18.2 Upon a determination that any of the above events has occurred, the Board of Supervisors is authorized to declare the same a nuisance. In such event, Millcreek Township shall enforce these regulations in accordance with enforcement procedures as provided in the Millcreek Township Nuisance Ordinance, these measures being in addition to enforcement proceedings under this Ordinance.

1.18.3 The Board of Supervisors shall have authority, in its discretion, to take action to abate nuisances declared under this Section, in accordance with provisions of the Second Class Township Code and general municipal law. In the event the Township incurs expenses in the abatement of a nuisance and such expenses are not reimbursed by the property owner or violator within thirty (30) days, such expenses shall be recovered pursuant to the general municipal law governing municipal claims.

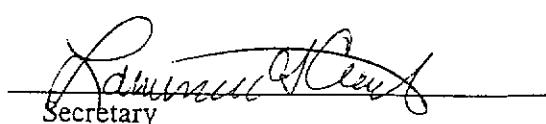
1.19. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

1.20. Repealer

All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed. This Ordinance shall not be construed to amend or repeal the Industrial Waste Ordinance, as amended.

BE IT ENACTED this 30th day of March, 2004.



Secretary

SWRUSORD/MLK

RESOLUTION 2004-R-13

A Resolution to establish policies and procedures to reduce inflow and infiltration of storm water into the sanitary sewer system and to ensure compliance with the Township's obligations under a consent order and agreement with the Pennsylvania Department of Environmental Protection.

WHEREAS, Millcreek Township under agreements with the Millcreek Township Sewer Authority, operates the sanitary sewer system which is owned by the Sewer Authority; and

WHEREAS, it has been determined that approximately 25 percent of flows in the sanitary sewer system are storm waters, not sewerage requiring treatment; and

WHEREAS, the costs of operating the sanitary sewer system are substantially increased when a substantial portion of the sewerage flows being transported and treated are storm waters needing no treatment; and

WHEREAS, the sanitary sewer system has not been designed to accommodate such substantial volumes of storm water in addition to sanitary sewer flows and continued inflow and infiltration will limit the sanitary sewer system's capacity for future growth and development; and

WHEREAS, the substantial flows of storm waters in the sanitary sewer system consume a large portion of the sanitary sewer system's allocated capacity in the inter-municipal sanitary sewer system and have contributed to peak flow volumes from the Millcreek system exceeding the allocated capacity within the inter-municipal system, these exceedances exposing rate payers of the system to increased costs through surcharges; and

WHEREAS, the substantial flows of storm waters in the sanitary sewer system have contributed to deficient operation of the system, especially following storm events, which have resulted in damage to properties and discharges from the sanitary system which are in violation of Pennsylvania laws; and

WHEREAS, it has been determined that a major cause of the inflow and infiltration of storm waters into the sanitary sewer system is the connection of roof runoff, ground water, subsurface water and storm waters into the sanitary sewer mains, which connections are expressly prohibited under the Sewer Use Ordinance; and

WHEREAS, the Township and the Sewer Authority have entered into a Consent Order and Agreement with the Pennsylvania Department of Environmental Protection which requires that each take measures to eliminate unlawful discharges from the sanitary sewer system, such measures to include investigation and elimination of unlawful connections of storm water discharge into the sanitary sewer system; and

WHEREAS, the Board of Supervisors has determined that reduction of inflow and infiltration of storm waters into the sanitary sewer system is necessary both to ensure proper operations and capacity of the system and to protect all rate payers from excessive costs and properties from damage; and

WHEREAS, the Board of Supervisors determines that it is necessary to establish policies and procedures governing inspections of properties and measures to terminate unlawful connections to the sanitary sewer system.

IT IS HEREBY RESOLVED by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania as follows:

1. Policy Statement.

For the reasons set forth above, substantial reduction of inflow and infiltration of storm waters into the sanitary sewer system is necessary to ensure proper operation of the sanitary sewer system and to protect rate payers of the system from avoidable cost and properties from damage that can be avoided through such measures.

As it has been determined that approximately 25% of total average flows in the sanitary sewer system involve storm waters, the sanitary sewer system is paying substantial sums each year to transport and treat storm waters which require no treatment. Allocated capacity of the sanitary sewer system is occasionally being exceeded in part because of this inflow and infiltration. Operations in sections of the system have been adversely affected because of this inflow and infiltration, and it has further led to discharges from the sanitary sewer system to protect properties from damage but which violate State laws.

Connection of storm water discharges into the sanitary sewer system has for many years been prohibited. The Board of Supervisors understands that current owners of properties having unlawful discharges of storm water into the sanitary sewer system may not, themselves, have caused the connections to occur or even know of their existence. While a program of inspections and measures to effect disconnection of unlawful connections will involve a degree of inconvenience to owners and occupants of properties and may result in owners having to incur costs to terminate unlawful connections, these unlawful connections have never been authorized and there simply is no feasible alternative to measures designed to substantially reduce inflow and infiltration of storm waters into the sanitary sewer system.

The program established by this Resolution is an attempt to address a serious problem in a way that reduces inconvenience to owners as much as is possible in the circumstances, while respecting the interests of the thousands of rate payers to the sanitary sewer system. The Township will encourage compliance, with enforcement actions being taken only when owners fail to meet their responsibilities. It is the Board's intention that property owners will be treated in a similar and consistent way, with the same guidelines applying to all. The program will focus attention, first, on sections of the Township most directly involved in the Consent Order and Agreement and sanitary flows exceeding allocated capacities.

2. Intentions and Purposes of Program.

- A. The Board of Supervisors hereby establishes a commitment to reduce and prevent the inflow and infiltration of storm waters, subsurface and surface ground waters, runoff from roofs and impervious surfaces and the like into the sanitary sewer system.
- B. The Township shall consistently enforce current regulations on future development activities to ensure that public and private sanitary sewer facilities are constructed and used in accordance with established standards and that stormwater management measures do not connect with or infiltrate into the sanitary sewer system.
- C. The Board of Supervisors hereby establishes a commitment to identify unlawful connections of storm waters, ground waters, and the like to the sanitary sewer system and to effect removal and termination of those connections, with appropriate measures taken to properly convey the storm water in ways authorized under current regulations.
- D. The Township, working with the Millcreek Township Sewer Authority (the "Authority"), shall inspect properties in Millcreek Township to determine whether unlawful discharges of storm or ground waters into the sanitary sewer system exist and, if such unlawful connections are found, to effect termination of all such unlawful connections.
- E. Priority areas and needs of the sanitary sewer system shall be established and agreed to by the Township and the Authority from time to time, and inspection efforts generally shall be focused on defined priority areas of the Township. Such priorities shall include, but not be limited to:
 - (i) Areas of the Township which are subject to any existing orders or agreements calling for reduction of the inflow and infiltration of stormwater or found to be materially affected by such I & I;
 - (ii) Areas of the Township in which inflow and infiltration of stormwater has been found to cause deficiencies in operation of the sanitary sewer system;
 - (iii) Areas of the Township in which inflow and infiltration of storm waters has been found to contribute to sanitary sewer flows exceeding or approaching authorized capacity in the system;
 - (iv) Areas of or properties in the Township as to which inflow and infiltration of stormwater is believed to cause or increase risk of damage to properties.

- F. Subject to meeting its other obligations for public services, the Township shall devote to the program of inspections and termination of unlawful connections existing personnel and, as the Township or the Authority should deem appropriate, third parties under contract. Township personnel shall be assigned to conduct or assist the program as is deemed by the Supervisors to be necessary or appropriate to meet these commitments.
- G. Implementation of this program will largely involve personnel in the Township's Sewer Department and administrative assistance by the Authority, but will also require the assistance of personnel in other Township departments, including but not limited to Streets, Engineering and Administration. Departments' supervisory and other personnel shall ensure that assistance, coordination and other services are provided as required and in a timely manner.
- H. The express purposes of this program are to identify and terminate unlawful connections to the sanitary sewer system. Administration and enforcement of this program, and of applicable provisions of the Sewer Use Ordinance, shall be consistent with the procedures established and shall place primary importance on securing or effecting compliance with regulations of the Sewer Use Ordinance.
 - (i) To the extent practicable, the program shall place primary focus on obtaining access to properties, making appropriate inspections and effecting disconnection of unlawful connections.
 - (ii) If means of inspecting connections are available at an additional cost where a property owner fails or refuses to allow access to the property as required in the Sewer Use Ordinance, those alternative means should be employed at the owner's cost, after prior notice, in lieu of enforcement actions simply to obtain access to a property.
 - (iii) Effecting termination of identified unlawful connections is of primary importance, and shall be accomplished pursuant to remedies available under the Sewer Use Ordinance or other applicable laws.
 - (iv) This policy and Rules and Regulations governing the sanitary sewer system shall provide for consistent use of notices and actions in the implementation of the program. Absent a written resolution adopted by the Board of Supervisors, these procedures shall apply in all cases. This Board and the individual Supervisors in their elected or employed capacities shall not otherwise alter, modify or negate these policies and procedures.

3. Inspection of Properties to Identify Unlawful Connections.

- A. The Millcreek Township Sewer Department, working with the Authority and other Township departments, shall inspect properties in and areas of the Township to determine whether any connections of storm water, surface, subsurface or ground drainage, roof runoff or unpolluted industrial process waters to the sanitary sewer system exist.
- B. When inspections are to be conducted in a defined area of the Township or upon defined individual properties, written notice of the intention to inspect should be given to the property owner, this notice to request that the owner contact either the Authority or the Sewer Department to schedule an inspection. Written notice is not required in cases of emergency or unscheduled inspections.
- C. If a property owner fails or refuses to respond to requests for a response so that an inspection can be scheduled, the Township and/or the Authority shall conduct an inspection during normal business hours. If an owner desires a specific day or time for an inspection, it is the owner's duty to so indicate in response to the submitted notices.
- D. If access to the interior of a building is required for the conduct of a regular inspection and the owner has not responded to a request for inspection within 15 days after the date of a written notice or telephone request, the Township and/or the Authority may either effect an inspection from the mains or commence an enforcement action to secure access to the property.
- E. Traps and clean-outs shall be accessible, and it is the property owner's duty to ensure that such facilities exist and are accessible. The Township and the Authority shall not be responsible for installation, accessibility or condition of traps and clean-outs, nor shall they be responsible for any damage which may result in the course of an inspection by virtue of there being no accessible clean-out.
 - (i) If no accessible clean-out exists on a property, the Township shall effect an inspection. If the owner authorizes an inspection from the interior, inspection shall be done in that manner if feasible. If the owner does not authorize inspection from the interior or an interior inspection is not feasible, the inspection shall be done from the main, with the additional costs to be paid by the owner.
 - (ii) Owners not having a clean-out or an accessible clean-out will not be required to install one unless inspection determines that an unlawful connection exists. In that event, the owner shall in the course of work to terminate the connection add the required clean-out.

4. Confirmation of Inspection - No Unlawful Connections Found. If a property owner has fully cooperated in the conduct of an inspection and the inspection has disclosed no unlawful connections to the sanitary sewer system, the Township or the Authority on a form to be adopted shall provide the owner with confirmation that the inspection disclosed no unlawful connections.

5. Termination of Unlawful Connections. If an inspection discloses that an unlawful connection to the sanitary sewer system exists:

- A. Written notice of violation of the Sewer Use Ordinance shall be given to the property owner. The notice shall be dated and include at least the following information: (i) detail of the violation; (ii) the unlawful connection(s) to be terminated; (iii) allowance of a period not exceeding 60 days from the date of the notice in which the owner can rectify the violation by disconnecting the unlawful connection(s) and redirect storm water or other discharge in proper fashion; (iv) a statement that a civil action for enforcement of the Ordinance shall be commenced if the violation is not rectified by the owner by the date set forth in the notice; (v) a statement of the fine(s) prescribed in the Ordinance for each day of violation; and (vi) a reminder that the Township can also act to disconnect the unlawful connection at the owner's cost and recover such costs from the owner.
- B. The written notice shall advise that the owner or occupant must contact the Authority or the Sewer Department prior to effecting a disconnection from the sanitary sewer system or a re-routing of the disconnected discharge, so that work can be inspected and certified.
- C. If a stormwater or other discharge is to be redirected, that work must comply with Township ordinances and must also be inspected and certified.
- D. All costs of effecting disconnection of an unlawful connection to the sanitary sewer system and of redirecting the disconnected discharge in accordance with Township regulations shall be paid by the owner.
- E. If an unlawful connection is determined by the Township or the Authority to involve volumes or nature of flows or other factors which require immediate action to disconnect it from the sanitary sewer system, the Township or the Authority shall give to the owner written notice that the owner must immediately terminate the connection and that the Township, in the event the owner should fail to do so, will terminate the connection at the owner's cost and shall then collect all costs of such termination from the owner.
- F. Inspections of termination of unlawful connections to the sanitary sewer system and of redirection of disconnected flows shall be conducted by one Township inspector whenever possible.

- G. In the event a property owner voluntarily acts to terminate unlawful connections to the sanitary sewer system and redirect disconnected flows in accordance with Township regulations, fees generally due for inspections of the disconnection and redirection shall be waived.
- H. The Township or the Authority will ensure that inspection personnel are available to conduct inspections until 5 p.m. on normal business days of the Township. If an owner or an owner's contractor requests an inspection of work outside of normal business hours, on weekends or on Township holidays, the owner shall first be obligated to pay an overtime inspection fee in amount commensurate with the overtime costs incurred.
- I. If an owner fails or refuses to terminate an unlawful connection to the sanitary sewer system and/or to redirect such unlawful discharge in a manner consistent with Township regulations, the Township and/or the Authority shall commence enforcement actions, as deemed appropriate, to cite the owner for violation of the Sewer Use Ordinance and/or to effect disconnection and redirection as authorized in the Ordinance, with all costs thereof to be paid by the owner, and/or to commence an action to compel the owner to terminate the unlawful connection(s) and redirect disconnected discharge so as to comply with Township regulations. All costs, expenses and fees of attorneys and other professionals incurred in such proceeding shall be payable by the owner and shall be included in any judgment.

5. Administration and Enforcement.

- A. The Manager of the Sewer Authority, the Township's Secretary and Solicitor and the supervisor of the Sewer Department shall be responsible for administration and implementation of this Policy, and shall have authority to request and obtain assistance from other departments and personnel as necessary.
- B. The Manager of the Authority, the Township's Secretary, the Solicitor or their designee may commence and prosecute actions to enforce the Ordinance and this Resolution.
- C. Forms to be used in implementation of this Policy shall be deemed appendices to the Rules and Regulations governing the sanitary sewer system and may be amended or supplemented as deemed necessary by administrative personnel.
- D. Fees for permits and inspections shall be as established in Rules and Regulations governing the sanitary sewer system, unless expressly waived or modified in this Policy. Additional provisions for implementation and administration may be established in the Rules and Regulations.

6. Coordination of Program and Options Available to Affected Owners.

- A. Prior to commencement of investigations in a defined area of the Township, the Township's Streets Department shall be notified and shall promptly inspect catch basins and other storm sewer facilities in the area. Catch basins shall be cleaned out and repaired as necessary.
- B. To the extent practicable, areas of the Township to be inspected should first be reviewed to identify potential problems or constraints that might affect alternative measures of redirecting stormwater as unlawful connections are terminated. Specific constraints or additional alternatives identified in this review should supplement general standards of implementing this policy.
- C. If a property having an unlawful connection of stormwater to the sanitary sewer system abuts an existing storm sewer or storm drainage channel along the street, the disconnected stormwater discharge should generally be redirected to that storm sewer or drainage channel, as applicable.
- D. If a property having an unlawful connection of stormwater to the sanitary sewer system does not abut but is located near an existing storm sewer or drainage channel along the street, the owner generally will be expected to construct an extension to the existing storm sewer, drainage channel or other acceptable conveyance system.
- E. If a property does not abut or is not located near an existing storm sewer or other acceptable conveyance system, or if this would be a more feasible or cost-efficient alternative, an owner may construct a dry well on the owner's property and redirect stormwater flows to that dry well. Standards for dry wells are as set forth in the Public & Private Improvements Code.
- F. If other alternatives do not exist or are not feasible, the Township will assist owners in an affected area in creation of a storm sewer district. Costs of such project shall be paid by the affected or benefitted properties or owners, and construction must comply with standards in the Public & Private Improvements Code.
- G. The Township will avoid enforcement of this Policy in such ways as would impose on one or more owners disproportionate costs when other owners in the affected area would receive benefits without paying a commensurate share of expenses.
- H. The Township will endeavor to obtain estimates of fees of local plumbing firms for work related to termination of unlawful connections and/or redirection of storm water flows and shall make such information available to owners upon their request.

7. Collection of Fees or Expenses. Fees not previously paid or expenses incurred by the Township in the administration and enforcement of this program shall be invoiced to the property owner, and shall be the responsibility of the owner. If sums due are not paid within thirty (30) days after the date of an invoice, such sums which do not relate to abatement of a nuisance shall be charged and assessed as additional sewer rental. Sums which relate to abatement of a nuisance shall be collected in accordance with the general law governing assessment and collection of municipal claims and liens.

ADOPTED this 30th day of March, 2004.

MILLCREEK TOWNSHIP SUPERVISORS

Joseph S. Kujawa
Joseph S. Kujawa

Brian P. McGrath
Brian P. McGrath

Lawrence G. Curtis
Lawrence G. Curtis

RESOLUTION 2004-R-14

A Resolution to adopt, amend and restate Rules and Regulations Governing the Sanitary Sewer System.

WHEREAS, the Millcreek Township Sewer Use Ordinance provides for implementation of its and other regulations by Rules and Regulations Governing the Sanitary Sewer System; and

WHEREAS, the Board of Supervisors has determined that the rules and regulations for laying branch sewers as adopted in December 1989 do not adequately provide for regulation of the sanitary sewer system; and

WHEREAS, the Board of Supervisors this date is enacting an amended and restated Sewer Use Ordinance (Ordinance 2004-4) and policies and procedures to reduce inflow and infiltration of storm water into the sanitary sewer system; and

WHEREAS, the Board of Supervisors finds that detailed rules and regulations are necessary to ensure the proper operation and maintenance of the sanitary sewer system and to serve the public health, safety and general welfare.

IT IS HEREBY RESOLVED by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania as follows:

1. Rules and Regulations Governing the Sanitary Sewer System in the form attached to this Resolution are hereby adopted.
2. Forms for use in administering the sanitary sewer system in the forms attached to and made a part of the Rules and Regulations are also adopted, and may in the future be amended or supplemented upon a determination by the Millcreek Township Sewer Authority, the Sewer Department and the Solicitor that such revisions and supplements are necessary in order to properly administer the Ordinance and the sanitary sewer system.
3. Administrative rules and regulations to assist in administration in the form attached to this Resolution are also adopted, these to serve as guidelines in implementing the Sewer Use Ordinance and the Rules and Regulations.
4. Violations of the Rules and Regulations shall be enforced in the same manner as are violations of the Sewer Use Ordinance, unless the Rules and Regulations provide otherwise.
5. The Rules and Regulations Governing the Sanitary Sewer System shall be effective immediately; provided, that contractors who have demonstrated by prior work their competency to perform work related to or involving connection or repair to the sanitary sewer system who are not presently licensed by the City of Erie shall be allowed until December 31, 2004 or the next time of testing and licensure by the City of Erie, whichever last occurs, to obtain the license required in Section II of the Rules and Regulations.

6. All prior Resolutions and regulations, including but not limited to Resolution 2002-R-72 and the December 1989 rules and regulations for laying branch sewers, which are inconsistent with or incorporated into these Rules and Regulations Governing the Sanitary Sewer System, are hereby rescinded and repealed.

ADOPTED this 30th day of March, 2004.

MILLCREEK TOWNSHIP SUPERVISORS

Joseph S. Kujawa
Joseph S. Kujawa

Brian P. McGrath
Brian P. McGrath

Lawrence G. Curtis
Lawrence G. Curtis

Millcreek Township

Millcreek Township Sewer Authority

RULES AND REGULATIONS

GOVERNING THE

SANITARY SEWER SYSTEM

MSA-MT 5134

Adopted March 30, 2004

App. 471

I. GOVERNING LAWS AND REGULATIONS

These Rules and Regulations are intended to supplement and implement regulations set forth in a number of statutes, ordinances and administrative regulations, as amended and reenacted, these including but not limited to:

- Sewage Facilities Act (Act 537)
- Municipal Authorities Act
- Regulations of the Pennsylvania Department of Environmental Protection (Title 25, Pennsylvania Code)
- Regulations of the Erie County Department of Health
- Millcreek Township Sewer Use Ordinance
- Millcreek Township Sewer Rental Ordinance
- Millcreek Township Public & Private Improvements Code
- Millcreek Township Subdivision & Land Development Ordinance
- Millcreek Township Zoning Ordinance

These Rules and Regulations generally will not repeat substance in these or other laws, ordinances and regulations.

The Township and/or the Authority, as is applicable, shall in January of each year establish personnel rates for that calendar year which include base wages and all benefits. These rates as certified shall be the basis for assessment of personnel charges and overtime rates as they may be imposed under these Rules and Regulations.

App. 472

II. LICENSES, FEES, CHARGES AND FINANCIAL SECURITY

License Required

No contractor not properly licensed by the Township and the Authority shall perform work related to or involving connection or repair to the sanitary sewer system.

Standards for Grant and Retention of License

A plumber or other contractor holding a current and valid plumbing license issued by the City of Erie shall be eligible to receive and hold a license to perform work involving connections or repairs to the sanitary sewer system.

A copy of a current and valid license issued by the City of Erie shall accompany an application for license, and shall serve as proof that standards for grant of a license have been met.

A contractor must have and maintain in force at all times while an issued license remains in effect liability and workers' compensation insurance protecting the Township and the Authority and third persons from personal injury, property damages, death and other damages arising out of or as a consequence of the contractor's acts or omissions. Minimum limits and required provisions of such insurance are as set forth on the Application for Contractor License form adopted as part of these Rules and Regulations.

Lapse, suspension, revocation or other termination of a City of Erie plumbing license shall be just cause for revocation or suspension of a license issued by the Township and/or the Authority. A person or firm licensed by the Township and/or the Authority whose City of Erie plumbing license is suspended, revoked or terminates by lapse or any other cause shall be obligated to give written notice of such suspension, revocation or termination to the Township or the Authority within five (5) days after receiving notice of such suspension, revocation or termination by the City of Erie.

License Application and Fees

A license fee of \$50.00 is hereby established which is to be paid upon application by a contractor for a license to perform work involving connections or repairs to connections to the sanitary sewer system, pursuant to provisions of Section 1.07.3 of the Sewer Use Ordinance, as may in the future be amended. This fee is imposed on a one-time basis so long as the contractor-licensee remains in good standing. In the event of revocation of a license, a contractor shall be required to pay a new license application fee prior to issuance of a new license.

Application for a license shall be made on the Application for Contractor License Form attached to these Rules and Regulations, as it may in the future be amended. An application must be completed in full.

Refusal to Grant License

The Township and/or the Authority may in its or their discretion refuse to grant or issue a license to any applicant who (a) does not meet eligibility requirements for grant of a license; or (b) fails to submit a complete application and/or provide all required insurance and other information; or (c) fails to tender the financial security required under this Section; or (d) makes a material misrepresentation on the application for registration.

Suspension or Revocation of License

The Township and/or the Authority may suspend or revoke a previously issued license upon a determination that:

- The Applicant has made a material misrepresentation on the application for registration; or
- The Applicant has made a material misrepresentation on an application for permit to connect to the sanitary sewer system; or
- Applicant/Licensee has allowed his, her or its City of Erie plumbing license to lapse, or such license otherwise has been suspended, revoked or terminated; or
- Licensee has failed to maintain in full force and effect all liability and workers' compensation insurance as required by these Rules and Regulations; or
- Licensee has failed to comply with performance or construction standards governing work on the sanitary sewer system; or
- Applicant/Licensee has failed to comply with the Sewer Use Ordinance or these Rules and Regulations.

Acceptable Financial Security

The financial security for proper performance of work subject to a permit to connect or repair a connection to the sanitary sewer system must be in one of the following forms:

- Cash, cashier's check or certified check; or
- Irrevocable letter of credit issued by a Federal- or Commonwealth-chartered lending institution; or
- Restrictive or escrow account(s) in a Federal- or Commonwealth-chartered lending institution.

Surety, performance or similar bonds shall not be acceptable as financial security.

Purpose and Required Substance of Financial Security

Financial security tendered pursuant to issuance of any permit to effect, alter, modify or terminate a connection to the sanitary sewer system shall be tendered and held as security for the proper performance of the work and payment of sums subject to the requested permit in full compliance with the Sewer Use Ordinance, the issued permit and these Rules and Regulations, and to guarantee repairs to streets and/or sewer facilities required as a consequence of such work.

- A. Financial security paid by cashier's or certified check shall be payable to Millcreek Township.
- B. An irrevocable letter of credit shall name Millcreek Township and the Millcreek Township Sewer Authority as beneficiaries and identify the applicant or the applicant's contractor as the obligor. A letter of credit shall further provide that:
 - (i) The letter of credit is given as financial security for the obligor's proper performance of all work in connection with effecting, altering, modifying or terminating a described connection to the sanitary sewer system;
 - (ii) Such letter of credit shall be effective for a period of not less than one (1) year from the date of its issuance;
 - (iii) Upon written certification that work has not been performed in accordance with the issued permit and/or applicable regulations and standards, Millcreek Township and/or the Millcreek Township Sewer Authority, at its or their sole election and free from any claim by the obligor or the issuer, may demand and collect up to the full amount of the letter of credit;
 - (iv) Should work required under the issued permit and applicable regulations not be completed and certified as completed within one year after the date of issuance, the letter of credit shall automatically be extended for an additional period of one year;
 - (v) Should the issuer elect not to renew the letter of credit, it shall give the beneficiaries at least thirty (30) days' prior written notice of its election not to renew, in which event Millcreek Township and/or the Sewer Authority may, upon written demand and free from any claim by the obligor or the issuer, draw up to the full amount of the security.
- C. A restrictive or escrow account must expressly name Millcreek Township as owner (subject to proper performance and release of the security) or specifically assign to Millcreek Township the right to recover up to the full amount of the account as required to defray or reimburse expenses, attorneys' fees and other damages sustained as a consequence of the work and/or secure payment of sums due pursuant to the permit.

Required Amount of Financial Security

Financial security in the amount of Five Thousand Dollars (\$5,000.00) shall be tendered prior to issuance of a permit. Where the applicant or contractor requests or has requested permits for multiple active sites, the total amount of financial security shall be Ten Thousand Dollars (\$10,000.00). All sums received as financial security shall be held and administered in accordance with the following Section.

Administration of Financial Security

All financial security tendered to ensure the proper performance of work and payment of all sums due under a permit shall be held solely for that purpose. Cash or payment by cashier's or certified check shall be retained in an account restricted to use as deposit of financial security. In the event the Township or the Authority determines that an applicant or a contractor has violated the Ordinance, the issued permit or these Rules and Regulations such that the security must be used to repair damage or effect payment of sums due, it or they shall, prior to exercising rights against the security, give to the obligor written notice of intention to do so.

Financial security shall not be released unless all work has been made available for inspection as required by the Sewer Use Ordinance and these Rules and Regulations, and work as completed has been certified as being in compliance with all applicable regulations.

All security shall be released upon certification that all work or payments required have been performed or paid, and written notice of such certification shall be given to the obligor, to the issuer of a letter of credit or to the custodian or escrow agent for a secured or restricted account. Upon completion of required work and payment of sums due in connection with a permit, all sums remaining in the financial security shall be refunded to the obligor.

Forms

Forms for applications for permits, contractors' applications for license and financial security shall be as set forth in the Forms section of these Rules and Regulations.

Payment of Fees and Charges

The Township or the Authority shall not issue permits, licenses or certifications until all fees due therefor have been paid in full.

The Township and/or the Authority may require payment of a deposit toward fees or costs to ensure full payment of undetermined charges. Any sums remaining in a deposit in excess of actual costs shall be refunded to the payor.

Permit Fees

Fees to be paid for issuance of a permit to connect to the public and private sewer system or of a permit to repair a building sewer are as follows:

Permit fee for Connection	\$250.00
Permit fee for Repair to or Modification of Building Sewer	\$ 75.00

If a permit expires as defined in the Sewer Use Ordinance, a new permit fee shall be payable upon any subsequent application.

See Section 8 re. fees where owner voluntarily effects termination of an unlawful connection.

Inspection Fees

Where an owner, contractor or other person requests that the Township or the Authority perform inspection of work outside of regular Township business hours, a fee for overtime services shall be assessed, in addition to base fees otherwise due for services, in the sum of \$80.00.

The above overtime fee is based on 2004 employee compensation and benefit rates. This fee shall be adjusted annually upon certification by the Township Treasurer or the Authority of then current employee compensation and benefit rates for inspectors (See Section 1).

Fees for Certification of Existing Connections

A base fee of \$100.00 is hereby established for provision by the Township and the Authority of inspection services and certification of findings as to existing connections upon request of a property owner or authorized person as provided in Section 1.13.6 of the Sewer Use Ordinance.

This base fee shall cover costs of the following services by the Township or the Authority: (a) field inquiry and scheduling of visit to the premises; (b) office investigation (including identification of soils and water table data); (c) property reconnaissance (including determination of downspout locations, availability of storm sewers, whether trap and clean-out are available and whether sump pump and connection exist, etc.) and consultation by inspector and office staff, with a certification or recommendation for extra measures believed to be necessary. If upon completion of such work, the Township or Authority believes that additional measures are required to enable a complete inspection and certification, fees for additional measures shall be:

Dye test downspouts	\$150.00 *
Splash test downspouts	\$150.00 *
Televise under basement floor	\$250.00
Televise building sewer	\$250.00

* Add \$150.00 to stated fee if Township must supply the water source

III. LAYING BUILDING SEWERS

Applications for Permits

Applications for permits to construct building sewers to connect with the public or private sanitary sewer system and/or to effect, repair, alter, replace or terminate a connection to the system shall be made by the owner of the property to be served or by the owner's authorized agent.

Applications shall be made on the form included in these Rules and Regulations and shall be submitted to the Millcreek Township Sewer Authority. All fees and financial security due as to the proposed work shall be tendered with the application for permit.

A tap-in fee may be due and owing under resolution of the Sewer Authority for capital cost reimbursement to the Authority for installation of public sewer mains. Payment of such tap-in fee must be made or arranged for at the time of application for a permit.

Performance of Work

No work on a building sewer or any other component of a private or the public sewer system shall be done except in conformity with an issued permit and by a contractor duly licensed by the Township and the Sewer Authority.

All work shall be done in strict conformity with requirements of the Sewer Use Ordinance and these Rules and Regulations.

At least 24 hours' prior notice must be given to the Sewer Authority prior to commencement of work.

A Highway Occupancy Permit or local street access permit shall be obtained from the Pennsylvania Department of Transportation or Millcreek Township whenever any excavating is to be performed within the limits of any right of way of a State highway or Township street.

All work shall be subject to inspection and approval by the Township and/or the Authority.

No building sewer connections shall be covered after construction unless and until the connections have been inspected and approved by the Township and/or the Authority.

Notice of completion of construction shall be given to the Sewer Authority immediately upon completion.

Failure to give notices prior to commencement of work, upon completion of work and/or the failure to keep work open and available for inspection shall not excuse defective performance. The Township and/or the Authority shall have the authority to issue stop-work orders or to require that completed work be made available for inspection.

Authorized and Prohibited Connections

Pursuant to the Sewer Use Ordinance, discharge of any surface water, storm water, roof runoff, groundwater or sump discharge into the public sanitary sewer system is prohibited. Any such unlawful connection constitutes a violation of the Sewer Use Ordinance. Any property owner, contractor, subcontractor or other person causing or allowing such a discharge shall be subject to penalties for violation, and shall further be liable for any damages which result to other properties or buildings connected to the public system and for any sums charged to Millcreek Township and/or the Sewer Authority pertaining to flows of such storm water or ground water into the sanitary sewer system.

Only water from bath, toilet, kitchen, laundry, basement floor and garage floor drains, pools and water containing substances in conformance with the Millcreek Township Industrial Waste Ordinance shall be discharged into the sanitary sewer system.

Existing building sewers may be used for connection of new buildings or structures only after the sewers have been inspected and approved by the Township and/or the Authority. A new sewer permit shall be required for all such connections.

No building sewer serving more than one (1) dwelling or other building or structure shall be constructed to connect with the public sanitary sewer system. The Township or the Authority may approve connection of two separate buildings on a single property which cannot be subdivided to a building sewer if it is shown by the applicant that it is not otherwise possible to connect the second building or structure to a public sewer. In the event of approval, a sewer permit shall be required for each building or structure, and the Township and the Authority shall have no responsibility for maintenance of, repair to or damage to any building sewer serving more than one building.

When the basement of any building receives any ground water, a sump pump may be required for the approval of the building drain or building sewer. Discharge from all sump pumps receiving ground water shall not be connected to any sanitary sewer line.

The Township and/or the Authority shall have the authority at any time to enter any property, building or structure to make inspection to determine whether any building sewer is receiving any waters other than sewage which is properly connected to the sanitary sewer system.

No inspection or release of financial security shall be deemed to constitute an approval of or acquiescence to an unlawful connection to the public sanitary sewer system.

Conveyance and connections of storm water, surface water, roof runoff, groundwater and/or sump discharges shall be governed by and effected in compliance with Millcreek Township's Stormwater Management Ordinance and standards in the Township's Public and Private Improvements Code.

Performance Standards

Pipe All sewer pipe to connect with the public sewer system shall be between 4" and 8" in diameter. Where pressure sewers are authorized, they shall conform with specifications or recommendations of the pump manufacturer.

Gravity System Piping used shall be either:

- Belltite or equal cast-iron slip or mechanical joint pipe as approved by the American Water Works Association; or
- PVC-ASTM 3034-SDR-35 or ABS-ASTM 2751-SDR-35 or Schedule 40 pipe, with joint material to be rubber ring, solvent cement or equivalent subject to prior approval by the Township and/or the Authority.

Pressure System Piping used shall be:

- PVC-ASTM 2241 - SDR 21 or PVC-ASTM D1785 - Schedule 40 or Polyethylene ASTM 2239 - SDR 11.5.

Traps and Clean Outs Trap, clean-out and fresh air inlet assembly shall be in accordance with the detail set forth in these Rules and Regulations (See Section 12).

If repairs or alterations are made to a building sewer serving a property which does not have a trap, clean-out and/or fresh air inlet as required by these Rules and Regulations, a trap, clean-out and/or fresh air inlet shall be installed in the course of such repairs or alterations.

Gravity building sewers of more than 75 feet in length shall have cleanouts installed at 75-foot intervals and shall be left accessible for maintenance.

Installation All sewer pipe shall be installed at an even grade from the horizontal trap to the public sewer main of not less than one-quarter inch per foot.

All joints shall be water tight.

The ends of all pipes not immediately connected for use shall be securely closed with materials approved by the Township and/or the Sewer Authority.

The inside of every building sewer connection, after it is laid, shall be left smooth and perfectly clean throughout its entire length.

Bedding and backfill materials shall be as specified by the pipe manufacturer.

Backfill materials and compaction requirements under highways or streets and within rights of way shall be as specified in the Highway Occupancy Permit or Township street access authorization.

No building sewer shall be covered prior to inspection and approval by the Township and/or the Authority.

Permit Required All connections and other work to the public or private sanitary sewer system shall be effected only in accordance with these Rules and Regulations by a contractor holding a valid license issued by the Township or the Authority, and only after a permit authorizing such work has been issued.

All work shall be in accordance with the Sewer Use Ordinance and with the permit authorizing the work.

Inspections All work shall be open and available for inspection by the Township and/or the Authority until such time as either shall certify its proper completion.

IV. REGULATION OF CONNECTIONS

Act 537 Planning Modules

Approval by the Sewer Authority and the Township of an application for approval of a sewage facilities planning module under Act 537 to accommodate a proposed development or use shall not constitute approval of permits to connect to the sanitary sewer system, nor shall such approval constitute any contract granting to the applicant a right to approval of applications for permits to connect to the sewer system except as may be specifically provided in the approval or in these Rules and Regulations.

The Township and/or the Authority shall have authority to deny approval of a submitted Act 537 planning module if the proposed development or use would violate regulations in applicable Federal or State laws, the Township's Sewer Use Ordinance or any agreement or order pertaining to limitations on the number of connections to the sanitary sewer system or the allocated flows authorized in the sanitary sewer system. In the alternative, the Township and/or the Authority shall have authority to impose conditions upon approvals and/or to limit the scope of the application in order to comply with such statutes, ordinances, agreements and/or orders.

Where limitations on the number of allowed connections to the sanitary sewer system and/or limitations on allowed capacity of flows in the sewer system have been imposed under a statute, ordinance, regulation, agreement or order:

- A. The Township and/or the Authority, in considering a submitted Act 537 planning module application, shall have authority to limit the application to a defined number of new connections or volume of anticipated new flows and to disapprove any application which does not meet required limitations.
- B. Where such Act 537 planning module application involves a proposed development or a use in a municipality whose sewer system is tributary to Millcreek's system, the Township and/or the Authority shall not approve an application proposing more new connections or additional flows than can be immediately be authorized or allowed, absent a written agreement with the tributary municipality or sewer authority which includes specific provisions that ensure control by the Township and/or the Authority over the actual connections.
- C. Absent a written agreement with a tributary municipality or its sewer authority, approval by the Township and/or Authority of new connections and/or additional flows shall be on a first-come, first-served basis, with no additional new connections authorized once the maximum allocated number of new connections or volume of new flows in a given year has been reached.

Conditions of Service

The Township and/or the Authority shall furnish sewerage service only in accordance with the Sewer Use Ordinance, the Sewer Rental Ordinance and these Rules and Regulations, all as may in the future be amended or supplemented.

No application for service, contract, license or agreement shall be inconsistent or conflict with such regulations, and all work performed and use of the sewer system pursuant to an approved permit shall be in accord with all regulations.

The furnishing of public sewer service may be refused if:

1. Sewage flows are found or estimated to be excessive; or
2. The character of the sanitary wastes to be discharged is determined to be unsatisfactory; or
3. The application for permit, Act 537 planning module application, contract or agreement is determined to be inconsistent with regulations governing the sewer system; or
4. Provision of such service would cause a violation of or is not in compliance with an existing order, agreement or compact; or
5. Work performed under a permit or the proposed or actual use of a premises is contrary to the permit and/or to regulations governing the sewer system.

Permits to Connect

No connection shall be made to the sanitary sewer system without an application for permit to connect first being submitted and approved by the Township and/or the Authority.

Applications shall be made on the Application for Permit to Connect form included in these Rules and Regulations.

All permit application and tap-in fees, and all financial security shall be paid and tendered prior to issuance of a permit.

The property owner shall be responsible for the veracity of information set forth on an application for permit.

All work shall conform with the submitted and approved permit.

An application for permit will be denied if it fails to meet requirements for permits or if any of the above conditions for service are not met.

V. MAINTENANCE AND REPAIRS

Ownership and Responsibility

The Township and Authority shall be responsible for inspections, repairs to, maintenance of and reconstruction of the public sanitary sewer main.

Owners of properties abutting the public sanitary sewer main and the right-of-way or easement in which the main is located shall be responsible for inspections, repairs to, maintenance of and reconstruction of the building or private sewer and all appurtenances of such building or private sewer, from the building(s) to the main.

The Authority and/or the Township shall own and maintain the motor, pump and shredder portions of a grinder pump only if either has provided it as part of a public project. In all other cases, the Owner shall own and maintain the grinder pump and all appurtenances. In all cases, the property owner shall be responsible for payment of charges for electrical service for operation of a grinder pump.

Service connections shall be maintained by the owner but shall be deemed to be owned by the Township and/or the Authority. In their sole discretion and when it or they determine that the same is necessary or appropriate, the Township and/or the Authority shall replace existing service connections attaching to the public sewer main.

Neither Millcreek Township nor the Sewer Authority shall provide service calls to sewer lines or appurtenances for which property owners are responsible.

Permits Required for Repairs

A permit shall be required prior to performance of any work to repair or alter a building sewer or private sewer connecting to the sanitary sewer system.

See also Sections II, III and IV, as they pertain to requirements for permits prior to performance of work.

Notices Upon Findings During Work

If, in the course of inspections or repairs to a building or private sewer line for which the owner is responsible, the owner or the owner's contractor has reason to believe that there may be an obstruction to or defect in the sewer main, such owner or contractor shall promptly notify the Township. Such communications should not be made unless there is a basis for belief that there is an obstruction to or defect in the sewer main.

If an owner or occupant of a property, or a plumber or other contractor performing work related to a sanitary sewer or connection should discover existence of an unlawful connection to the sanitary sewer system, that person or firm shall be obligated to report such detected connection immediately to the Township's Sewer Department.

Township Assistance in Unique Situations

When the Township or the Authority determines that, by virtue of topography, grade or other factors not within an owner's control, certain properties may experience backups from the main, independently of storm events affecting all properties, the Township shall notify owners of such properties and propose measures to protect the properties from such exposures.

In many cases, installation of a backwater valve will remedy these conditions.

In such cases, and where the property owner is willing to share in expense and secure installation, the Township, by prior agreement, shall either provide the backwater valve or, at its election, offer to pay one-half of total installation and materials expenses not exceeding a specified amount. The Township will not provide labor for construction or installation. The property owner will be responsible for installation, cleaning and future maintenance of the valve and all costs associated therewith aside from the contribution by the Township or the Authority. Such agreement shall be on that form adopted and attached to these Rules and Regulations.

If an owner declines to participate, the Township and/or the Authority will not be responsible for maintenance of the building sewer or for any damages resulting from impact of topography, grade or other unique factors upon operation of the system.

VI. INSPECTIONS

General Requirements

All work is subject to inspection and approval by the Township.

The Township or the Authority, using criteria such as total length and/or difficulty involved, may determine that continuous inspection is required and that a Developer Agreement is a more appropriate vehicle by which to achieve the purpose of these Rules and Regulations.

No building sewer connections shall be covered after construction unless and until the work has been inspected and approved by the Township.

Notice of completion of construction of any building sewer or private sewer or alteration thereof shall be given to the Sewer Authority immediately upon completion. All connections to the sanitary sewer system shall be identified on the application for permit and shall be constructed as shown on the approved permit. All work shall be inspected prior to approval of the construction.

The Township and/or the Authority shall have the right at any time to enter any building or property to make an inspection to insure that construction has been done in strict conformity with an approved permit.

Existing building sewers may be used for connection of new buildings only after the sewers have been inspected and approved by the Township.

New building sewers may be used for connection of new buildings only after the sewers have been inspected and approved by the Township.

Inspections generally shall be made during normal business hours of the Township. If an owner or an owner's contractor requests an inspection outside of normal Township hours and such request can be accommodated, the owner must first tender payment of the prescribed overtime inspection fees.

VII. INSPECTIONS AND CERTIFICATIONS ON REQUEST

General Provisions

Upon written request by the property owner, prospective purchaser or agent or contractor of either, the Township shall have authority to inspect a property for the purpose of determining whether its connection(s) to the sanitary sewer system is or are in accordance with the Sewer Use Ordinance and these Rules and Regulations governing the sewer system.

Request for Inspection and Certification

Such request shall be made on a form as appended to these Rules and Regulations and must be accompanied by a written authorization signed by the property owner allowing the Township or Authority to inspect the property for the purpose of addressing such request.

All information required on the request form must be provided by the requester and all fees due must be tendered with the request or the request will not be honored. It will not be the responsibility of the Township or the Authority to contact the requester or the owner to seek information, authorization or payment of required fees.

Inspections in many cases require a water source. If the request as submitted indicates that there is no existing water source, the requester must indicate with the request how a water source will be provided for the inspection.

It is the responsibility of the requester and owner to ensure access to the property for inspection.

Purpose and Scope of Inspections

The general purpose of the inspection will be to determine whether any connections of storm water, ground or surface water, roof or other runoff or other matters not authorized under the Sewer Use Ordinance to be connected have been effected on the property to the sanitary sewer system and, if such unlawful connections exist, to identify them.

The inspections should include:

1. Checking downspouts; and
2. Camera images from the main to the building; and
3. Inspection of floor drains and internal connections.

Seasonal or weather conditions can affect the scope of inspections (as an example, inspections are more thorough when conducted during times of year when ground water is higher).

If an inspection made on request determines that one or more connections prohibited by the Sewer Use Ordinance exist, the Township and the Authority shall address the violation(s) in accordance with the Ordinance and the provisions of Part 9 of these Rules and Regulations.

Fees

The base fee for an inspection and certification is as set forth in Section 2 of these Rules and Regulations.

If additional services are deemed necessary to enable a complete inspection and certification, the requester must authorize and tender payment for such additional services before they will be performed.

If fees in addition to the base fee are due, no certification shall be issued until all fees are paid in full. If additional services required to ensure a complete inspection are not authorized, the certification shall be subject to noted limitations.

Inspections

Upon receipt of a completed request form and payment of all fees, a representative of the Authority or the Township's Sewer Department will contact the owner or other person designated on the request to schedule an inspection. If that person cannot be contacted directly, a voice mail message shall be left or, if no voice message can be made, a written notice seeking to schedule an inspection shall be mailed to the owner or other designated person, with a copy or message to the requester.

It is the responsibility of the requester or the owner to make arrangements for a scheduled inspection. The Authority and the Township will not make multiple attempts to contact persons.

After an inspection has been scheduled, one or more Township personnel will visit the subject property. Clean-outs must be accessible at the time of the inspection.

If the property does not have an accessible trap and clean-out, the inspection may require use of camera and other equipment, which shall involve additional charge for the inspection.

If additional fees are due because a second visit was required, or because base services indicate a need for additional services, these fees shall also be paid prior to the second visit or full investigation.

If base services indicate a need for additional services to conduct full investigation and such additional services are not authorized by the requester, the certification shall be subject to limitations noted in the certification.

Inspections shall include the full scope set forth above whenever possible.

Certifications

A certification shall be issued to the requester via U.S. first class mail, with a copy to the owner.

Certifications shall be made on the form adopted for use, such form to be an appendix to these Rules and Regulations.

If the inspection was unable to include all components of its scope, limitations on the inspection shall be noted and the certification shall be subject to such limitations.

If an inspection discloses existence of one or more unlawful connections, such connection(s) will be identified on the certification.

The substance of the certification shall be set forth on the issued form. The Township and the Authority will not expand on or modify a certification in subsequent communications unless a corrected certification is found to be appropriate.

VIII. INSPECTIONS AND TERMINATION OF UNLAWFUL CONNECTIONS

Unlawful Connections

The Sewer Use Ordinance prohibits certain connections to the sanitary sewer system. These "unlawful" connections include, but are not limited to:

1. Discharge of any storm water, surface drainage, ground drainage, roof runoff, subsurface drainage or unpolluted industrial process waters; and;
2. Discharge of substances or materials which are expressly prohibited in the Ordinance.

Elimination of Inflow and Infiltration of Storm Water

Millcreek Township and the Millcreek Township Sewer Authority are committed to reducing and preventing the inflow and infiltration of storm waters into the sanitary sewer system. These actions are required not only to ensure compliance with the Sewer Use Ordinance but to ensure proper operations of the sanitary sewer system and comply with orders and agreements governing its operations.

The Township's Board of Supervisors has adopted a formal policy committing the Township to inspection of properties and measures to eliminate unlawful connections to the sanitary sewer system. A copy of the Township Resolution establishing this policy, as may in the future be amended, is included as an appendix to these Rules and Regulations and is incorporated by reference in these Rules and Regulations.

Intentions and Purposes of Program

The Board of Supervisors hereby establishes a commitment to reduce and prevent the inflow and infiltration of storm waters, subsurface and surface ground waters, runoff from roofs and impervious surfaces and the like into the sanitary sewer system.

The Township shall consistently enforce current regulations on future development activities to ensure that public and private sanitary sewer facilities are constructed and used in accordance with established standards and that stormwater management measures do not connect with or infiltrate into the sanitary sewer system.

The Board of Supervisors hereby establishes a commitment to identify unlawful connections of storm waters, ground waters, and the like to the sanitary sewer system and to effect removal and termination of those connections, with appropriate measures taken to properly convey the storm water in ways authorized under current regulations.

The Township, working with the Sewer Authority, shall inspect properties in Millcreek Township to determine whether unlawful discharges of storm or ground waters into the sanitary sewer system exist and, if such unlawful connections are found, to effect termination of all such unlawful connections.

Priority areas and needs of the sanitary sewer system shall be established and agreed to by the Township and the Authority from time to time, and inspection efforts generally shall be focused on defined priority areas of the Township. Such priorities shall include, but not be limited to:

1. Areas of the Township which are subject to any existing orders or agreements calling for reduction of the inflow and infiltration of stormwater or found to be materially affected by such inflow and infiltration;
2. Areas of the Township in which inflow and infiltration of stormwater has been found to cause deficiencies in operation of the sanitary sewer system;
3. Areas of the Township in which inflow and infiltration of stormwater has been found to contribute to sanitary sewer flows exceeding or approaching exceedance of authorized capacity in the system;
4. Areas of or properties in the Township as to which inflow and infiltration of stormwater is believed to cause or increase risk of damage to properties.

Subject to meeting its other obligations for public services, the Township shall devote to the program of inspections and termination of unlawful connections existing personnel and, as the Township or the Authority should deem appropriate, third parties under contract. Township personnel shall be assigned to conduct or assist the program as is deemed by the Supervisors to be necessary or appropriate to meet these commitments.

Implementation of this program will largely involve personnel in the Township's Sewer Department and administrative assistance by the Authority, but will also require the assistance of personnel in other Township departments, including but not limited to Streets, Engineering and Administration. Departments' supervisory and other personnel shall ensure that assistance, coordination and other services are provided as required and in a timely manner.

The express purposes are to identify and terminate unlawful connections to the sanitary sewer system. Administration and enforcement of this program, and of applicable provisions of the Sewer Use Ordinance, shall be consistent with the procedures established and shall place primary importance on securing or effecting compliance with regulations of the Sewer Use Ordinance.

1. To the extent practicable, the program shall place primary focus on obtaining access to properties, making appropriate inspections and effecting disconnection of unlawful connections.

2. If means of inspecting connections are available at an additional cost where a property owner fails or refuses to allow access to the property as required in the Ordinance, those alternative means should be employed at the owner's cost, after prior notice, in lieu of enforcement actions simply to obtain access to a property.
3. Effecting termination of identified unlawful connections is of primary importance, and shall be accomplished pursuant to remedies available under the Sewer Use Ordinance or other applicable laws.
4. These Rules and Regulations shall provide for consistent use of notices and actions in the implementation of the program. Absent a written resolution adopted by the Board of Supervisors, these procedures shall apply in all cases. This Board and the individual Supervisors in their elected or employed capacities shall not otherwise alter, modify or negate these policies and procedures.

Inspection of Properties to Identify Unlawful Connections

The Sewer Department, working with the Authority and other Township departments, shall inspect properties in and areas of the Township to determine whether any connections of storm water, surface, subsurface or ground drainage, roof runoff or unpolluted industrial process waters to the sanitary sewer system exist.

When inspections are to be conducted in a defined area of the Township or upon defined individual properties, written notice of the intention to inspect should be given to the property owner, this notice to request that the owner contact either the Authority or the Sewer Department to schedule an inspection. Written notice is not required in cases of emergency or unscheduled inspections.

If a property owner fails or refuses to respond to requests for a response so that an inspection can be scheduled, the Township and/or the Authority shall conduct an inspection during normal business hours. If an owner desires a specific day or time for an inspection, it is the owner's duty to so indicate in response to the submitted notices.

If access to the interior of a building is required for the conduct of a regular inspection and the owner has not responded to a request for inspection within 15 days after the date of a written notice or telephone request, the Township and/or the Authority may either effect an inspection from the mains or commence an enforcement action to secure access to the property.

Traps and clean-outs shall be accessible, and it is the property owner's duty to ensure that such facilities exist and are accessible. The Township and the Authority shall not be responsible for installation, accessibility or condition of traps and clean-outs, nor shall they be responsible for any damage which may result in the course of an inspection by virtue of there being no accessible clean-out. If no accessible clean-out exists on a property:

MSA-MT 5155

1. The Township shall effect an inspection. If the owner authorizes an inspection from the interior, inspection shall be done in that manner if feasible. If the owner does not authorize inspection from the interior or an interior inspection is not feasible, the inspection shall be done from the main, with the additional cost of that inspection to be paid by the owner.
2. Owners not having a clean-out or an accessible clean-out will not be required to install one unless inspection determines that an unlawful connection exists. In that event, the owner shall in the course of work to terminate the connection add the required clean-out.

Confirmation of Inspection - No Unlawful Connections Found

If a property owner has fully cooperated in the conduct of an inspection and the inspection has disclosed no unlawful connections to the sanitary sewer system, the Township or the Authority on a form to be adopted shall provide the owner with confirmation that the inspection disclosed no unlawful connections.

Termination of Unlawful Connections

If an inspection discloses that an unlawful connection to the sanitary sewer system exists:

1. Written notice of violation of the Sewer Use Ordinance shall be given to the property owner. The notice shall be dated and include at least the following information: (i) detail of the violation; (ii) the unlawful connection(s) to be terminated; (iii) allowance of a period not exceeding 60 days from the date of the notice in which the owner can rectify the violation by disconnecting the unlawful connection(s) and redirect storm water or other discharge in proper fashion; (iv) a statement that a civil action for enforcement of the Ordinance shall be commenced if the violation is not rectified by the owner by the date set forth in the notice; (v) a statement of the fine(s) prescribed in the Ordinance for each day of violation; and (vi) a reminder that the Township can also act to disconnect the unlawful connection at the owner's cost and recover such costs from the owner.
2. The written notice shall advise that the owner or occupant must contact the Authority or the Sewer Department prior to effecting a disconnection from the sanitary sewer system or a re-routing of the disconnected discharge, so that work can be inspected and certified.
3. If a stormwater or other discharge is to be redirected, that work must comply with Township ordinances and must also be inspected and certified.

MSA-MT 5156

All costs of effecting disconnection of an unlawful connection to the sanitary sewer system and of redirecting the disconnected discharge in accordance with Township regulations shall be paid by the owner.

If an unlawful connection is determined by the Township or the Authority to involve volumes or nature of flows or other factors which require immediate action to disconnect it from the sanitary sewer system, the Township or the Authority shall give to the owner written notice that the owner must immediately terminate the connection and that the Township, in the event the owner should fail to do so, will terminate the connection at the owner's cost and shall then collect all costs of such termination from the owner.

Inspections of termination of unlawful connections to the sanitary sewer system and of redirection of disconnected flows shall be conducted by one Township inspector whenever possible.

In the event a property owner voluntarily acts to terminate unlawful connections to the sanitary sewer system and redirect disconnected flows in accordance with Township regulations, fees generally due for inspections of the disconnection and redirection shall be waived.

The Township or the Authority will ensure that inspection personnel are available to conduct inspections until 5 p.m. on normal business days of the Township. If an owner or an owner's contractor requests an inspection of work outside of normal business hours, on weekends or on Township holidays, the owner shall first be obligated to pay an overtime inspection fee in amount commensurate with the overtime costs incurred.

If an owner fails or refuses to terminate an unlawful connection to the sanitary sewer system and/or to redirect such unlawful discharge in a manner consistent with Township regulations, the Township and/or the Authority shall commence enforcement actions, as deemed appropriate, to cite the owner for violation of the Sewer Use Ordinance and/or to effect disconnection and redirection as authorized in the Ordinance, with all costs thereof to be paid by the owner, and/or to commence an action to compel the owner to terminate the unlawful connection(s) and redirect disconnected discharge so as to comply with Township regulations. All costs, expenses and fees of attorneys and other professionals incurred in any such proceeding shall be payable by the owner and shall be included in any judgment.

Administration and Enforcement

The Manager of the Sewer Authority, the Township's Secretary and Solicitor and the supervisor of the Sewer Department shall be responsible for administration and implementation of this Policy, and shall have authority to request and obtain assistance from other departments and personnel as necessary. The Manager of the Authority, the Township's Secretary, the Solicitor or their designee may commence and prosecute actions to enforce the Ordinance and this policy.

Fees for permits and inspections shall be as established in Rules and Regulations governing the sanitary sewer system, unless expressly waived or modified in this Policy

Coordination of Program and Options Available to Affected Owners

Prior to commencement of investigations in a defined area of the Township, the Streets Department shall be notified and shall promptly inspect catch basins and other storm sewer facilities in the area. Catch basins shall be cleaned out and repaired as necessary.

To the extent practicable, areas of the Township to be inspected should first be reviewed to identify potential problems or constraints that might affect alternative measures of redirecting stormwater as unlawful connections are terminated. Specific constraints or additional alternatives identified in this review should supplement the general standards of implementing this policy.

If a property having an unlawful connection of stormwater to the sanitary sewer system abuts an existing storm sewer or storm drainage channel along the street, the disconnected stormwater discharge should generally be redirected to that storm sewer or drainage channel, as applicable.

If a property having an unlawful connection of stormwater to the sanitary sewer system does not abut but is located near an existing storm sewer or drainage channel along the street, the owner generally will be expected to construct an extension to the existing storm sewer, drainage channel or other acceptable conveyance system.

If a property does not abut or is not located near an existing storm sewer or other acceptable conveyance system, or if this would be a more feasible or cost-efficient alternative, an owner may construct a dry well on the owner's property and redirect stormwater flows to that dry well. Standards for dry wells are as set forth in the Public & Private Improvements Code (P&PI Code).

If other alternatives do not exist or are not feasible, the Township will assist owners in an affected area in creation of a storm sewer district. Costs of such project shall be paid by the affected or benefitted properties or owners, and construction must comply with standards in the P&PI Code.

Where a number of property owners in an area are required to take similar actions, this policy should not be enforced in such ways as would impose on certain owners disproportionate costs when other owners would receive benefits without paying a commensurate share of expenses.

Information obtained by the Township and/or the Authority regarding fees of local plumbing firms for work related to termination of unlawful connections and/or redirection of storm water flows and will be made available to owners upon their request.

Collection of Fees or Expenses

Fees not previously paid or expenses incurred by the Township in the administration and enforcement of this program shall be invoiced to the property owner, and shall be the responsibility of the owner. If sums due are not paid within thirty (30) days after the date of an invoice, such sums which do not relate to abatement of a nuisance shall be charged and assessed as additional sewer rental. Expenses for abatement of a nuisance shall be collected in accordance with the general law governing assessment and collection of municipal claims and liens.

IX. ON-LOT SEWAGE DISPOSAL SYSTEMS

General Standards

An on-lot sewage disposal system shall not be authorized unless:

1. The proposed system meets all requirements for such system as established by the Erie County Department of Health, the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency and other applicable governmental agencies and further complies with standards set forth in this Section; and
2. The proposed system is consistent with the Township's and/or the Authority's Act 537 Sewage Facilities Plan; and
3. The proposed system will not cause or expose a risk of harm to neighboring properties, public facilities, the public health and/or the public safety.

Notwithstanding approvals by other governmental agencies, the Township and/or the Authority may refuse to allow an on-lot sewage disposal system where it or they determine(s) that such system would not comply in all respects with these Rules and Regulations.

Permit Required

No on-lot sewage disposal system shall be constructed or placed on any property in Millcreek Township prior to issuance of a permit therefor by the Authority and/or Township.

A request for permit shall set forth all information required for a permit to make, alter or terminate a connection to the sanitary sewer system, and shall be accompanied by all required approvals from other governmental agencies and detail regarding the proposed location and specifications of the system.

The fee for a permit to allow an on-lot sewage disposal system shall be \$75.00, which shall be payable at the time an application for permit is submitted.

Conditions on Permit

Approval of a permit for an on-lot sewage system shall be subject to the condition, to be set forth on an approved permit, that at such time as public sewer service becomes available which can serve the subject property, the owner of the property shall then be obligated to connect to the public sanitary sewer system and said permit for on-lot sewage disposal shall become null and void.

X. NOTICES TO TOWNSHIP AND AUTHORITY

Notices Generally

Notices to the Township and the Authority generally and as required under these Rules and Regulations should be given as follows:

Millcreek Township Sewer Department
3608 West 26th Street
Erie, PA 16506-2037
Telephone: (814) 835-6721
Fax: (814) 835-6615

Notices When Deficiency in Main is Suspected

If a property owner or contractor for a property owner, in the course of work or repairs for which the owner is responsible under these Rules and Regulations or otherwise, should have reason to believe that a defect exists in a public sewer main or facility, such owner, contractor or other person shall promptly notify the Sewer Department or the Authority and report such information, including the reason(s) for belief that a defect in the public sewer main or facility exists.

The registration or license of a contractor who submits such report without proper basis may be suspended or revoked upon a determination that such report was made without basis in fact.

Other Required Notices

All other notices to the Township and the Authority, including but not limited to those specified in Section V of these Rules and Regulations, shall be given as set forth above.

XI. FORMS

The following forms are adopted and shall be used for the purposes indicated:

Application for License

Summary of Requirements - Financial Security

Application for Permit

Owner's Release (Section 5-2)

Request for Inspection and Certification

Owner's Authorization

Certification after Inspection

Notice of intention to conduct inspection

Second notice of intention to conduct inspection

Notice that accessible clean-out required for inspection

Notice of unlawful connection after violation noted other than from inspection

Notice of unlawful connection to accompany enforcement notice

Enforcement notice

Owner's Authorization and Consent

Notice that no unlawful connection found after inspection

Developer's Agreement

These forms may in the future be amended and/or supplemented.

MSA-MT 5161

**MILLCREEK TOWNSHIP
MILLCREEK TOWNSHIP SEWER AUTHORITY**

APPLICATION FOR CONTRACTOR LICENSE

(Fee of \$50.00 is payable upon submission of application)

Applicant: _____

Address: _____ City/State/Zip: _____

Telephone: (____) _____ Fax: (____) _____

Contact Name: _____ Title: _____

CONTRACTOR INFORMATION

Type of Entity (individual, partnership, corporation, etc.): _____

Name of President, CEO, Managing Partner, etc.): _____

Does Applicant have employees? _____ If "yes," # of employees: _____

Type of Equipment owned or leased by Applicant: _____

Will Applicant perform its own excavation work? Yes _____ No _____

Is the Applicant licensed or registered by the State or any municipality or municipal authority to perform plumbing and/or excavation work? Yes _____ No _____

If Applicant is a registered contractor with the State, a municipality or an authority, please state:

Govt. Unit Reg./Lic. # Name/Title/Address/Phone of Entity's Official

Please provide at least 3 references for work which is similar to that you would be performing if this application is approved. Please provide company names, individual names and phone numbers:

CONTRACTOR LICENSE (Page 2 of 2)

INSURANCE INFORMATION

The following limits of insurance coverage are required:

General Liability and Property Damage: \$1,000,000 Bodily Injury
\$50,000 Property Damage

(This coverage must include **independent contractors**, **completed operations** and **contractual liability**. The contractual coverages fund the hold-harmless agreement required as part of this application. If you perform your own excavation, coverage for collapse hazard and **underground property damage** must also be provided.)

Automotive Liability: \$100,000/\$300,000 Bodily Injury
\$50,000 Property Damage

Workers' Compensation: Legally required limits if firm has employees

General Liability Insurance Agent: _____

Agent's Address: _____ Phone: _____

Vehicle Liability Insurance Agent: _____

Agent's Address: _____ Phone: _____

Worker's Compensation Agent:

Agent's Address: _____ Phone: _____

Certificates of insurance evidencing the required coverages must be submitted with this application. If any coverage lapses or is terminated, Millcreek Township's approval of this application stops and is suspended automatically, and applicant will not then be permitted to perform work in connection with the sewer system. Renewal certificates should be mailed promptly to the Millcreek Township Sewer Authority to prevent this situation from occurring.

CONTRACTOR'S AGREEMENT

As a contractor requesting a license to perform work in connection with the Millcreek Township sanitary sewer system, I certify that I am familiar with the requirements for such work as contained in the Township's Sewer Use Ordinance and its Rules and Regulations Governing the Sanitary Sewer System. I agree that all work performed by the Applicant shall comply with these requirements. The Applicant agrees to indemnify Millcreek Township and the Sewer Authority for and hold them harmless against (a) any and all claims of a property owner or others arising out of work on building sewers or main lines to be connected to the Sewer System and (b) any and all damages to the Sewer System and any costs or expenses, including attorneys' fees, incurred by the Township or the Authority as a consequence of the Applicant's failure to comply with rules and regulations in the course of Applicant's work. I certify that I am authorized to make this Agreement and submit this application on behalf of the Applicant.

Date: _____ Signature: _____

Application approved, subject to compliance with the Ordinance and Rules and Regulations.

Date: _____ Signature: _____